

103 KAR 27:140. Publishers of newspapers, magazines and periodicals.

RELATES TO KRS 139.010

STATUTORY AUTHORITY: KRS 131.130(1)

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation interprets the sales and use tax law as it applies to sales of newspapers, magazines and periodicals.

Section 1. Newspapers. (1) Sales of newspapers by the publisher are sales of tangible personal property. The tax applies to the gross receipts of the publisher from such sales in all cases where the publisher receives directly from the consumer the full retail sales price of the newspaper, unless the sale is for delivery outside of this state.

(2) The sales of newspapers by the publisher to carriers, newsboys, street vendors, and operators of newsstands and similar places are sales for resale the proceeds of which are not subject to the tax.

(3) Newsstands, drug stores and other places of business with a fixed location are the retailers of newspapers sold by them. Proceeds from the sale thereof shall be included in the gross receipts of the retailer subject to the tax.

Section 2. Magazines and Periodicals. (1) Sales of magazines, periodicals and all publications other than newspapers, whether made "over the counter," or by subscription, are subject to the sales or use tax.

(2) Receipts from subscriptions for magazines, periodicals, and trade journals, which subscriptions are taken within the state of Kentucky, sent to a publication house outside of the state of Kentucky, and the publication is thereafter mailed directly to the subscriber within the state of Kentucky are subject to the sales tax. Where such publications are printed within the state of Kentucky and sold subject to delivery, outside the state of Kentucky, such sales would not be subject to the sales tax.

(3) Persons who distribute trade publications, journals and the like free of charge to the reader thereof are regarded as consumers of publications which they distribute. (SU-8; 1 Ky.R. 145; eff. 12-11-1974; TAm eff. 6-22-2016.)